

TENTATIVE RULINGS for LAW and MOTION

March 13, 2020

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted on Yolo Court's Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Nine

(530) 406-6819

TENTATIVE RULING

Case: **Bolin v. FCA US LLC, et al.**

Case No. CV CV 18-2415

Hearing Date: **March 13, 2020** **Department Nine** **9:00 a.m.**

Defendants FCA US LLC, Roseville Motor Corporation and AutoNation Chrysler Dodge Jeep Ram Roseville's motion for an order requiring plaintiff to file an undertaking pursuant to Code of Civil Procedure section 1030 is **DENIED**. (Code Civ. Proc., § 1030; Cal. U. Com. Code, § 2725; *Jolly v. Eli Lilly & Co.* (1988) 44 Cal.3d 1103, 1109-1112.) Defendants fail to show there is a "reasonable possibility" that they will prevail and be awarded costs. (Cal. U. Com. Code, § 2725; *Fox v. Ethicon Endo-Surgery, Inc.* (2005) 35 Cal.4th 797, 803.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Emerson v. Mitchell**

Case No. CV PT 18-696

Hearing Date: **March 13, 2020** **Department Nine** **9:00 a.m.**

Respondent Krista Mitchell's cross-motion for dismissal, attorney's fees and costs, for an OSC re: contempt against Noah Phillips, Kathleen Emerson and Daniel Enos, for an order declaring Kathleen Emerson and Daniel Enos vexatious litigants in opposition to petitioner's motion for attorney fees and misc. relief, nunc pro tunc is **DENIED**. (Code Civ. Proc., § 1008; *APRI Ins. Co. v. Sup. Ct.* (1999) 76 Cal.App.4th 176, 181.) The motion is not timely filed and once the Court has entered judgment, it is without power to grant reconsideration.

Petitioner's request for sanctions pursuant to Code of Civil Procedure section 128.5 is **DENIED**.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Grant Park Development v. Foley**
 Case No. CV UD 19-2473

Hearing Date: **March 13, 2020** **Department Nine** **9:00 a.m.**

Plaintiff Grant Park Development dba Happy Time RV Park's motion to enforce settlement is **GRANTED IN PART**. (Code Civ. Proc., § 664.6.) Defendant Teresa Foley failed to remove all personal property from the perimeter of the recreational vehicle and the surrounding space in violation of the parties' January 17, 2020 stipulation and order. Specifically, on February 1, 2020, a shed remained on the property that was not a Tuff Shed, as required by the stipulation and order. (Smith decl., ¶ 3, Exhibit A; Foley decl., ¶¶ 5, 8-9, Exhibit B.) The Court orders judgment, in favor of plaintiff, for immediate possession of the subject property. (Smith decl., ¶ 2, Exhibit A.)

The Court defers its decision on plaintiff's entitlement to attorney's fees and costs until defendant's motion for order taxing costs is heard on April 6, 2020, at 9:00 a.m. in Department 9.

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.